

**STATE OF NORTH DAKOTA**  
**BOARD OF HIGHER EDUCATION**

IN THE MATTER OF:

Appeal of Sandra L. Peterson

)  
) **ADMINISTRATIVE LAW JUDGE'S**  
) **RECOMMENDED FINDINGS AND**  
) **RECOMMENDED ORDER**  
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A hearing was held before the Standing Committee on Faculty Rights on February 7 and 10, 2000, in the matter of Sandra L. Peterson's appeal of her dismissal from her position as a tenured faculty member at Bismarck State College. The Committee issued a recommendation to President Donna Thigpen on March 21, 2000, that Sandra Peterson not be dismissed. President Thigpen rejected the Committee's conclusions and recommendation, and issued a final decision to dismiss Ms. Peterson for cause on March 29, 2000. The Board requested an administrative law judge from the Office of Administrative Hearings to review the record and make recommended findings of fact and conclusions of law and a recommended order to the Board. The Board further allowed the administrative law judge to gather additional testimony to supplement the existing record at the request of either party and at the administrative law judge's discretion. No additional testimony was required. The administrative law judge considered and appraised the evidence of record presented through review of the transcript of the hearing before the Standing Committee on Faculty Rights, the exhibits admitted and made part of the record, together with post-hearing briefs and proposed recommended findings and order submitted by counsel for the parties. The record of the matter was closed on December 11, 2000.

The record of the evidence presented at the hearing before the Standing Committee on Faculty Rights shows that Bismarck State College established, by clear and convincing evidence,

that there was adequate cause for dismissing Sandra L. Peterson, a tenured faculty member, pursuant to SBHE Policy Sections 605.3 and 605.4.

The Administrative Law Judge adopts the proposed recommended findings of fact, conclusions of law, and order prepared by H. Patrick Seaworth, general counsel for the North Dakota University System, which are attached to and made a part of the Administrative Law Judge's Recommended Findings and Recommended Order. The Administrative Law Judge recommends the Board of Higher Education affirm Sandra L. Peterson's dismissal from her position as a tenured faculty member at Bismarck State College.

Dated at Bismarck, North Dakota this 5th day of January, 2001.

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Bonny M. Fetch  
Administrative Law Judge  
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